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8 UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
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10 In Re: CHAPTER 13
CASE NO. 10-63343 SLJ
11 CAROL A. SIGNOR
12 DECLARATION OF DEBTOR
IN SUPPORT OF MOTION TO
13 Debtor(s) VACATE THE ORDER FOR RELIEF
FROM STAY
14 Date: September 23, 2014
Time: 10:00 AM
15 _____/ Room: 3099

16 I, Carol A. Signor, am the debtor in the above action. I am an
17 adult living in Santa Clara County California. I have personal
18 knowledge of the facts stated herein and could competently testify
19 thereto.

20 On December 31, 2010, I filed this chapter 13 petition, to pay
21 off my debts in a timely and orderly manner. The amended chapter
22 13 plan was confirmed on April 29, 2011. I am current with my
23 monthly payments of \$576.00 to the chapter 13 trustee.

24 In April 2013, the creditor Leslie Guttadauro filed a motion
25 for relief from the automatic stay, and the matter came for hearing
26 on May 28, 2013. The parties stipulated to an adequate protection
27 order (hereinafter the APO), and the court issued the order on
28 October 3, 2013. As part of this order the parties were to meet

1 and confer in good faith to determine the amount of the post-
2 petition arrearage (see page 2, lines 2-4, of the APO, document
3 #55). While discussions occurred between counsel, this amount was
4 never determined and remains unresolved. It was suggested at one
5 point by my attorney that the parties and their attorneys all meet
6 in person to work out this amount, but this meeting never occurred.
7 Soon thereafter, Guttadauro changed his attorneys.

8 The APO required me to make \$500 monthly payments on the
9 postpetition arrearage. The chapter 13 plan, paragraph 4, also
10 requires this payment. During the time after the APO, I made 3
11 monthly payments of \$500 (June, July and August payments). But
12 beginning in September 2013, Guttadauro stopped accepting the
13 payments. He refused to accept the September payment and the
14 October payment. Since he was simply refusing to accept payments,
15 I stopped tendering payments at that point. I did, however, set
16 aside monies so that I could resume payments once the Guttadauro
17 agreed to receive them.

18 On or about April 28, 2014, Leslie Guttadauro filed a Notice of
19 Noncure of the Default with the court. The court thereafter
20 entered an order for relief from stay. This Notice was misleading
21 in that he did not disclose his refusal to accept payments. It is
22 unconscionable that he could thereafter pursue a foreclosure after
23 refusing payments.

24 Leslie and Robin Guttadauro filed on 6/23/14 a 90 day notice of
25 default as to the real property. I must add that Guttadauro
26 instructed the title company to additionally serve me with this
27 notice at work, an unnecessary but highly embarrassing action.

28 The real estate at issue is my home. I have lived in this home

1 for many years. It has increased in value by approximately
2 \$150,000 since the petition date and now has equity. It is my
3 opinion that the property is now worth approximately \$580,000.00.
4 I base this opinion on the home value on my knowledge of the
5 condition of my home, from a meeting with a realtor, Matt Tenczar,
6 who researched comparable properties, and from my own knowledge of
7 the sales of similar homes in the neighborhood. If this value is
8 correct, I have equity in the amount of \$21,000.00 (\$580,000 -
9 \$499,000 (first mortgage) and - \$60,000 (Guttadauro) = \$21,000 in
10 equity). It is of prime importance to me to keep this property as
11 I attempt to pay off my debts and have a financial fresh start.

12 The Guttadauros have refused to accept payments, and are now
13 attempting take advantage of their own refusals to take away my
14 home via a foreclosure. Their claim also has an illegal, usurious
15 claim of interest.

16 I ask that the court vacate the order of April 2014, and renew
17 the original APO. I have the monies and income available to make
18 payments under the APO. I am willing to work with the Guttadauros
19 to finally determine the arrearage amount (I have always been
20 willing to do so). I am also seeking a lender to refinance the
21 property to pay off the loan of the Guttadauros. In fact, I have
22 2 serious private lenders who are interested. If and when this
23 occurs I will make an appropriate motion to the court.

24 I declare under penalty of perjury under the laws of the State
25 of California that the facts stated herein are true.

26 Executed on September 2, 2014, at San Jose, California.

27 /s/ Carol A. Signor

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Carol A. Signor